

3752

A circular black ink stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "JCT3" is at the top right, "OFFICE" is at the bottom right, and "PATENT &amp; TRADEMARK" is at the bottom left. In the center, the date "MAY 24 2005" is stamped.

~~Inter~~ Patent Application of:

Inventors: John Martin BEHAN et al.

Application No.: 10/088,601

Filed: August 29, 2003

For: DISPENSING DEVICES

Group Art Unit: 3752

Examiner: Bui, T.H.

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

# AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Response in response to the Office Action dated February 24, 2005 in the above-referenced application.

- ## 2. Additional Documents

PTO-1449 with Search Report and references

- ### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$\_\_\_\_\_.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	24	minus	24		x \$50 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	6	minus	4	2	x \$200 each=	+ \$400
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0
<b>SUB-TOTAL =</b>						<b>\$400</b>
<b>Reduction by 2 for filing by a small entity</b>						<b>- \$0</b>
<b>TOTAL FEE =</b>						<b>\$400</b>

5. Fee Payment

[ X ] The Commissioner is hereby authorized to charge **\$400.00** for additional independent claims to Deposit Account 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: May 24 2005

By:



Paul N. Kokulis

Reg. No. 16,773

CUSTOMER NO. **09629**  
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 202-739-3000



Attorney Docket No. 056646-5004-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
Inventors: John Martin BEHAN et al.	)	
	)	
Appln. No.: 10/088,601	)	Group Art Unit: 3752
	)	
Filed: August 29, 2003	)	Examiner: Bui, T.H.
	)	
Title: DISPENSING DEVICES	)	

**AMENDMENT AND RESPONSE**

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Office Action dated February 24, 2005, please amend the  
above-referenced application as follows:

05/26/2005 HALI11 00000039 500310 10088601  
01 FC:1201 400.00 DA